



WISCONSIN REGULATORY DIGEST

A Publication of the NURSING HOME ADMINISTRATOR EXAMINING BOARD

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November, 2000

Governor Tommy Thompson Appoints New Board Member

Dr. Robert A. Kessler, D. O.

Governor Tommy Thompson appointed Dr. Kessler to replace Dr. Roland Hammer on November 9, 2000. Dr. Hammer had resigned from the Board on April 24, 1999, due to an illness. He died on June 9, 1999.

Dr. Kessler was appointed to complete Dr. Hammer's term and to fill a 4-year term, ending on July 1, 2005. He is the Director of Medical Services at Quad Graphics, Inc., in Pewaukee, Wisconsin. Dr. Kessler attended medical school at Midwestern University, Chicago College of Osteopathic Medicine, in Chicago, Illinois. He completed post-graduate education at Northwest General Hospital, Milwaukee, Wisconsin. We welcome Dr. Kessler to the Board.

NURSING HOME ADMINISTRATOR EXAMINING BOARD

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Statistics

The number of active licensees, as of November 1, 2000, is:

Nursing home administrators – 986

Complaint Statistics

Complaints Received in 2000	24
Complaints Closed After Screening	15
Complaints Closed After Investigation	5
Complaints Closed With Discipline	1
Complaints Closed in 2000	21

Note: The number of complaints closed includes complaints received prior to 2000.

Legislative Update

The Nursing Home Administrator Examining Board has requested that a new bill draft of its proposal to change the credentialing requirements for a nursing home administrator license be drafted for the upcoming 2001-2002 legislative session. The bill draft would be the same what was introduced in the 1999-2000 Legislature.

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The proposed legislation would require applicants for a nursing home administrator license to have a	

bachelor's, master's or doctoral degree with a major in health care administration or long term care from an accredited college or university, or a bachelor's degree in any field from an accredited college or university and completion of a specialized course which the examining board considers adequate preparation for nursing home administration. The proposal would also require applicants to obtain 2,000 hours of supervised practical experience.

Continuing Education

The license of nursing home administrators will expire on July 1, 2002. As has been the case during recent 2-year licensing periods, licensees must complete 24 hours of approved continuing education by the renewal deadline. Otherwise, licensees will not be permitted to renew until they have completed the education and they will not be able to legally practice as a nursing home administrator until they have received a renewed license. They will also be required to pay a \$25 late renewal fee.

Pursuant to s. NHA 3.02, Wis. Admin. Code, all continuing education programs must be approved by the National Association of Boards of Examiners of Long Term Care Administrators (NAB). Continuing education hours apply only to the biennial renewal period in which the continuing education was obtained.

You may obtain a list of the programs approved by NAB at the following Web site: <http://www.nabweb.org/>

Please maintain records of continuing education credits for at least 5 years for auditing purposes. The Board may at any time decide to conduct an audit of your continuing education records. If so, you will be required to submit certificates of attendance issued by the program provider or other evidence of attendance satisfactory to the Board.

If the NAB refuses to approve a continuing education program that you believe should be approved, you may, at least 20 days prior to the date of the program, request that the Board review the documentation relating to the program. Please refer to s. NHA 3.03 (4), Wis. Admin. Code, for details.

Change of Address

The address of the American College of Health Care Administrators is no longer 325 South Patrick Street, Alexandria, VA 22314. It is now 1800 Diagonal Road, Alexandria VA 22314. Telephone: 703-739-7921.

Acting Administrators

The Nursing Home Administrators Examining Board does not approve, disapprove, license or discipline acting administrators. The Department of Health and Family Services approves and regulates acting administrators.

Credential Holder Query

Be sure to check out the department's new credential holder query feature on the Internet. You will find it at <<http://www.drl.state.wi.us>>. By accessing this site you will be able to verify whether an individual or business entity holds or has held a license in any of the professions regulated by the department. Nursing home administrators have been listed as "business professionals"; however, due to concerns about problems locating them in a query, in the future those making inquiry will be able to locate them under either "business professionals" or "health professionals." Try either or both when searching.

Memorandum of Agreement

The Department of Health & Family Services (DHFS), the Nursing Home Administrator Board and the Department of Regulation and Licensing have finalized a memorandum of agreement. The agreement is similar to past agreements and should assure meaningful cooperation between the two agencies in achieving compliance with provisions of federal law, relating to substandard quality of care at a nursing home facility.

Reports of Decisions

The Department of Regulation and Licensing publishes the Reports of Decisions on a monthly basis. They contain disciplinary orders issued by the professional regulatory boards and by the Department. Orders from December 1998, to the current month are now available at the following Web address: <http://badger.state.wi.us/agencies/drl/Regulation/html/DECISION.HTM>

The Reports of Decisions include final orders issued by the Department of Regulation and Licensing and the boards attached to the Department. Decisions routinely included are decisions in cases initiated by the filing of a

formal complaint or petition for summary suspension, disciplinary decisions reached through stipulation, cases dismissed without discipline, interim orders staying imposition of discipline, orders modifying limitations previously imposed and court decisions relating to orders issued by the Department or a Board. This report does not include decisions to deny or grant an initial credential application or renewal application unless the grant or denial followed a hearing and relates to a ground for discipline. Reports are prepared each month and take about four weeks to process from the close of the reporting period.

Lists of Registrants

The department will soon be implementing 1999 Wisconsin Act 88, which limits the disclosure of personal identifiers by the department on lists that contain the personal identifiers of 10 or more individuals. A "personal identifier" is a name, social security number, telephone number, street address, post office box number or 9-digit extended zip code. Thus, any form that the department requires you to complete, in order to apply for or renew a credential, must include a place for you to declare that the personal identifiers collected on the form may not be disclosed on any list that the department or a credentialing board furnishes to another person. If you complete such a declaration the department will not be permitted to disclose your personal identifiers on such lists. Exception: lists furnished to another state agency, a law enforcement agency or a federal governmental agency.

Sampling of Complaints

Allegation: The complainant alleged that a nursing home administrator had operated a facility in a manner that substantially departed from the standard of care normally exercised by a licensee of the Board. The complainant alleged that the facility failed to provide adequate supervision and assistance devices for 3 residents and that this deficiency presented an immediate jeopardy to a specific resident.

Investigation: The investigator obtained copies of training, in-service and attendance records for staff; an explanation of why QA Committee meetings were not held on a regular basis and the methods used to identify quality care problems prior to a certain date; an explanation of the emergency procedures that were instituted to protect residents when the door alarm and the surveillance cameras were not working; an explanation as to why the facility's policy on assessment, wandering and infection control were not followed; and other relevant information. The nursing home administrator provided a written statement, but had limited access to records, because he no longer worked at the facility. The current administrator provided extensive documentation.

Conclusion: Close the case for no violation.

Allegation: A nursing home administrator either did not investigate an allegation of drug diversion or the administrator failed to report the matter to the Board of Nursing.

Investigation: The investigator learned that there were no missing drugs, nor any other evidence that drug diversion had occurred during the time that a certain employee had been employed. Therefore, there had been no investigation by the administrator and no report was made to the Board of Nursing.

Conclusion: Close the case for no violation.

Disciplinary Actions

GENEVIEVE A MARTINEAU NHA SUPERIOR WI VOLUNTARY SURRENDERED

Diverted funds for personal use from various sources, including residents' social security checks and a revolving account for resident funds, VA checks and personal checks, dietary reimbursement fund, petty cash fund. Effective 6/15/2000. Sec. 441.10(1)(a), Stats. NHA 5.02(1),(8) Case #LS0006152NHA

Department of Regulation and Licensing
Nursing Home Administrator Examining BD
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Madison, WI 53708-8935

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Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is: **(608) 266-5511**

After dialing this number you are asked to press various menu choices. For the following requests, please press numbers as noted:

Application Forms	Press 11
Complaints Against Licensees	Press 12
Whether a Person is Licensed	Press 442
Application Processing & Requirements	Press 42
FAX Number	608-267-3816

Board Meeting Dates

2000: December 14

2001 February 15, April 19, June 21, August 16,
October 18, December 13

All meetings are held at 1400 E. Washington Ave., Madison, WI, and are open to the public and subject to cancellation without notice. Please call to confirm dates.

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Credential Holder Query" button.

Copies of the Regulatory Digest are on the Web.

Send comments to dorl@drl.state.wi.us

Verifications

Requests for verifications to other states must be in writing. The cost is \$10. Please make out check or money order to the Department of Regulation and Licensing.

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Wisconsin Statutes and Code

Copies of the Nursing Home Administrator Examining Board's Statutes and Administrative Codes may be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated October 2000.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

Subscription Service

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